

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DELBERT M. GREENE,

Petitioner,

vs.

E.K. MCDANIEL, *et al.*,

Respondents.

3:09-cv-00601-RCJ-VPC

ORDER

This habeas matter comes before the Court on petitioner's counsel's motion (#46) to withdraw as counsel and petitioner's proper person motion (#47) for appointment of replacement counsel.

Counsel's motion to withdraw does not reflect that he served the motion upon petitioner, as required by Local Rule IA 10-6(b). However, it appears that both petitioner and counsel are desirous of petitioner being allowed to withdraw in favor of the appointment of replacement counsel, following upon current counsel taking another position that precludes continued representation of petitioner by counsel. The Court therefore will grant both motions. The Court also will extend petitioner's time to file a motion to reopen the case off the stay. The Court will reset the deadline for filing a motion to reopen in the order appointing the specific replacement panel attorney who takes the case.

IT THEREFORE IS ORDERED that petitioner's counsel's motion (#46) to withdraw as counsel and petitioner's proper person motion (#47) for appointment of replacement counsel both are GRANTED.

1 IT FURTHER IS ORDERED that Marc P. Picker, Esq., hereby is WITHDRAWN as
2 counsel.

3 IT FURTHER IS ORDERED that petitioner's deadline for filing a motion to reopen
4 following the issuance of the remittitur by the Supreme Court of Nevada on the pending state
5 post-conviction appeal is extended without date, pending further order of this Court.

6 IT FURTHER IS ORDERED that the Clerk of Court shall substitute Renee Baker for
7 E.K. McDaniel as a respondent herein.

8 The Clerk shall forward this order to the CJA Coordinator for this Division. The CJA
9 Coordinator shall identify a replacement panel attorney and forward their name and address
10 to the *pro se* law clerk assigned to the file, who thereafter shall forward a draft appointment
11 and scheduling order for the Court's review.

12 The Clerk additionally shall mail a copy of this order to the petitioner himself,
13 addressed to Delbert M. Greene, #78774, Ely State Prison, P.O.Box 1989, Ely, NV 89301.

14 DATED: This 16th day of September, 2013.

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19 ROBERT C. JONES
20 Chief United States District Judge
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